

Deno G. Himonas (05483)
W. Bradford Barber (18601)
**WILSON SONSINI GOODRICH &
ROSATI**
15 West South Temple
Gateway Tower West, Suite 1700
Salt Lake City, Utah 84101
Telephone: (801) 401-8520
dhimonas@wsgr.com
bbarber@wsgr.com

*Attorneys for Utah Vapor Business
Association, Inc.*

Trinity Jordan (15875)
Jordan E. Westgate (16098)
**DENTONS DURHAM JONES
PINEGAR, P.C.**
111 South Main Street, Suite 2400
Salt Lake City, Utah 84111
Telephone: (801) 415-3000
trinity.jordan@dentons.com
jordan.westgate@dentons.com

Phillip W. Dyer (4315)
Benjamin R. Dyer (13691)
DYER LAW GROUP PLLC
The Langton House
648 East 100 South
Salt Lake City, Utah 84102
Telephone: (801) 363-5000
phil@dyerlawgroup.com
ben@dyerlawgroup.com

Walter A. Romney, Jr. (07975)
Katherine E. Pepin (16925)
CLYDE SNOW & SESSIONS
201 South Main Street, Suite 2200
Salt Lake City, Utah 84111
Telephone: (801) 322-3516
war@clydesnow.com
kep@clydesnow.com

*Attorneys for Plaintiffs Utah Vapor Business
Association, Inc. and The Smoke House,
LLC*

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

<p>UTAH VAPOR BUSINESS ASSOCIATION, INC., a Utah nonprofit corporation, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>STATE OF UTAH, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>DECLARATION OF LANCE HILL</p> <p style="text-align: center;">Case No. 2:24-cv-00950-HCN</p> <p style="text-align: center;">Judge Howard C. Nielson, Jr.</p>
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I, Lance Hill, declares as follows:

1. I am over the age of eighteen (18) years old and have personal knowledge of the facts stated herein and, if called, would testify to the same.

2. I am an owner of The CVB Store, a retail tobacco specialty business (“RTSB”) that operates in Layton, Utah.

3. I am aware of the orders entered by the Court in the above-captioned action wherein the Court determined that the State of Utah would be allowed to enforce the ban of certain flavored electronic cigarette products pursuant to S.B. 61, the Electronic Cigarette Amendments (the “Flavor Ban”).

4. The CVB Store is under the jurisdiction of the Davis County Health Department.

5. Since March 24, 2025, a representative of the Davis County Health Department has told me in three separation written communications that the Davis County Health Department is not currently enforcing the Flavor Ban.

6. On March 25, 2025, the day after the Flavor Ban went into effect pursuant to the Court’s orders, I emailed Kristen O’Flarity (“Ms. O’Flarity”), my primary point of contact at the Davis County Health Department. A true and correct copy of this email is attached hereto as Exhibit 1.

7. In that email, I asked Ms. O’Flarity what The CVB Store could expect to see from the Davis County Health Department to enforce the Flavor Ban. *See* Ex. 1.

8. Ms. O’Flarity responded: “There is plenty for us to figure out how to proceed so that should buy you some more time. I will absolutely let you know if I learn about a timeline of future enforcement.” *See* Ex. 1.

9. I understood Ms. O’Flarity’s statement of “that should buy you some more time” to mean that RTSBs in Davis County would have additional time to sell their existing inventory of flavored electronic cigarette products despite the Flavor Ban.

10. On March 31, 2025, I emailed Ms. O’Flarity again and requested an update about the Davis County Health Department’s plans to enforce the Flavor Ban. Ms. O’Flarity responded: “We are waiting to receive guidance from our legal team and ***are not planning enforcement at any time soon.*** I will let you know I will be doing inspections in advance.” See Ex. 1 (emphasis added).

11. On April 28, 2025, I emailed Ms. O’Flarity for a third time and requested an update. She responded:

Thank you for reaching out. I still don’t have any updates. ***I know that Bear River Health Department is the only jurisdiction in the state that has begun enforcement.*** We are still waiting on legal guidance about moving forward and ideally in alignment with other health departments.

The only update I have is that I have accepted another position within the health department, but I will still be involved in the onboarding of my replacement (still TBD). So I can assure you that I will have a role in communicating about any updates we get about enforcement (and this transition should buy you some additional time as well).

See Ex. 1 (emphasis added).

12. Based on Ms. O’Flarity’s email, only one health department in the entire state of Utah had enforced the Flavor Ban by April 28, 2025, more than one month after the Flavor Ban went into effect.

13. To the best of my knowledge and belief, the Davis County Health Department has not enforced the Flavor Ban since March 24, 2025 through the present date.

DATED: May 19, 2025.



LANCE HILL

Exhibit 1

Redacted -

[Redacted]

[Redacted]

----- Forwarded message -----

From: **Kristen O'Flarity** <koflarity@co.davis.ut.us>

Date: Tue, Apr 29, 2025 at 10:57 AM

Subject: Re: Retail Tobacco Specialty Business Permit (Davis County)

To: Lance Hill <thecvbstore@gmail.com>

Hi James,

Thank you for reaching out. I still don't have any updates. I know that Bear River Health Department is the only jurisdiction in the state that has begun enforcement. We are still waiting on legal guidance about moving forward and ideally in alignment with other health departments.

The only update I have is that I have accepted another position within the health department, but I will still be involved in the onboarding of my replacement (still TBD). So I can assure you that I will have a role in communicating about any updates we get about enforcement (and this transition should buy you some additional time as well).

Hope this helps some.

Kristen

Kristen O'Flarity, MPH, CHES®

Communications Manager

Physical: 22 S State Street, Clearfield, UT 84015

Mailing: PO Box 618, Farmington, UT 84025

(o) 801-525-4969 | koflarity@co.davis.ut.us



On Mon, Apr 28, 2025 at 6:18 PM Lance Hill <thecvbstore@gmail.com> wrote:

Hey Kristen,

Things have been a bit hectic, we've lost some help so It's been fun finding time to contact you. I was wondering if there's any update you can give me? We're still kinda hanging in the dark on everything, and it's been a little hard planning our futures with the little information the state has given us.

Best Regards,

James

The CVB Store

Store: 801-719-6217

729 King Street Suite 500

Layton, UT 84041

On Mon, Mar 31, 2025 at 11:31 AM Kristen O'Flarity <koflarity@co.davis.ut.us> wrote:

I wrap up around 5 and I don't have any other meetings today!

Kristen O'Flarity, MPH, CHES®

Community Health Bureau Manager

Physical: 22 S State Street, Clearfield, UT 84015

Mailing: PO Box 618, Farmington, UT 84025

(o) 801-525-4969 | koflarity@co.davis.ut.us



On Mon, Mar 31, 2025 at 11:28 AM Lance Hill <thecvbstore@gmail.com> wrote:

Awesome, what time are you out of the office? I've got someone coming in about 1-2pm, and should be able to give you a call shortly after they are here.

On Mon, Mar 31, 2025, 11:24 AM Kristen O'Flarity <koflarity@co.davis.ut.us> wrote:

I understand - sorry this has been such a stressful time. We are still waiting to receive guidance from our legal team and are not planning enforcement any time soon. I will let you know I will be doing inspections in advance. We can chat further on the phone when you have availability.

Kristen

Kristen O'Flarity, MPH, CHES®

Community Health Bureau Manager

Physical: [22 S State Street, Clearfield, UT 84015](https://www.co.davis.ut.us/22-S-State-Street-Clearfield-UT-84015)

Mailing: PO Box 618, Farmington, UT 84025
(o) 801-525-4969 | koflarity@co.davis.ut.us



On Mon, Mar 31, 2025 at 11:17 AM Lance Hill <thecvbstore@gmail.com> wrote:
Hello Kristen,

We are down employees at the moment, and I'm the only one working. I can do my best to give you a call, but email is definitely best right now since I can work on them in-between customers.

On Mon, Mar 31, 2025, 11:00 AM Kristen O'Flarity <koflarity@co.davis.ut.us> wrote:

Hi James, give me a call on my cell when you are able: 801-896-3160

Kristen O'Flarity, MPH, CHES®

Community Health Bureau Manager

Physical: [22 S State Street, Clearfield, UT 84015](https://www.daviscountyschools.org/22-S-State-Street-Clearfield-UT-84015)

Mailing: PO Box 618, Farmington, UT 84025

(o) 801-525-4969 | koflarity@co.davis.ut.us



On Mon, Mar 31, 2025 at 10:26 AM Lance Hill <thecvbstore@gmail.com> wrote:
Hey Kristen,

I'm sure you're being bombarded with questions, but of course finding any information on this situation is fun, and misinformation is being spread everywhere. To avoid any confusion for us and our employees, is there any information you can give us about any enforcement, any reversal, or any other information that might be helpful? I apologize for asking what you're probably getting asked 20 times a day, but we just need to make sure us and our employees are able to make it out of this, and are not giving out any mis information. Thanks!

Best Regards,
James
The CVB Store
Store: 801-719-6217
[729 King Street Suite 500](#)
[Layton, UT 84041](#)

On Tue, Mar 25, 2025 at 1:54 PM Kristen O'Flarity <koflarity@co.davis.ut.us> wrote:

Hi James,

There is plenty for us to figure out how to proceed so that should buy you some more time. I will absolutely let you know if I learn about a timeline of future enforcement.

Hope this helps.

Kristen O'Flarity, MPH, CHES®

Community Health Bureau Manager

Physical: [22 S State Street, Clearfield, UT 84015](#)

Mailing: PO Box 618, Farmington, UT 84025

(o) 801-525-4969 | koflarity@co.davis.ut.us



On Tue, Mar 25, 2025 at 12:47 PM Lance Hill <thecvbstore@gmail.com> wrote:

Hello Kristen,

With the new bill, what can we expect to see with enforcement? Do you know when it will start? Also, is there anything you recommend we do as of now?

Best Regards,
James
The CVB Store
Store: 801-719-6217
[729 King Street Suite 500](#)
[Layton, UT 84041](#)

On Mon, Dec 30, 2024 at 12:35 PM Kristen O'Flarity

<koflarity@co.davis.ut.us> wrote:

Hi James, thanks for reaching out!

Yes, you are welcome to continue to sell your current products. Davis County specifically will wait until after the legislative session (mid-March) to conduct any enforcement due to all that is pending. I hope this helps.

Kristen

Kristen O'Flarity, MPH, CHES®

Community Health Bureau Manager

Physical: [22 S State Street, Clearfield, UT 84015](#)

Mailing: PO Box 618, Farmington, UT 84025

(o) 801-525-4969 | koflarity@co.davis.ut.us



On Mon, Dec 30, 2024 at 12:31 PM Lance Hill

<thecvbstore@gmail.com> wrote:

Hello Kristen,

We recently received word of a temporary restraining order that will give us an extension out to the end of february. I posted the link in this email here. My question is, does this mean I am still able to sale these products until the end of February? Or do I still need to have these products pulled from the shelf?

<https://mailchi.mp/a51822cb90fb/uvba-stakeholder-meeting-invite-1037?e=74a26b98e4>

Best Regards,

James

The CVB Store

Store: 801-719-6217

[729 King Street Suite 500](#)

[Layton, UT 84041](#)

On Mon, Dec 30, 2024 at 12:22 PM Kristen O'Flarity

<koflarity@co.davis.ut.us> wrote:

Dear Lance,

Thank you for your submission of your tobacco permit application. Enclosed is your Retail Tobacco Specialty Business permit valid through December 31, 2025. A hardcopy will be sent to your preferred mailing address on file.

Please let me know if you need anything additional. Happiest New Year to you.

Kristen

Kristen O'Flarity, MPH, CHES®
Community Health Bureau Manager

Physical: [22 S State Street, Clearfield, UT 84015](#)

Mailing: PO Box 618, Farmington, UT 84025

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